

ORDINANCE 1479

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING AN ENERGY AND SUSTAINABILITY ELEMENT OF THE COMPREHENSIVE PLAN

WHEREAS, the City is required to prepare a Comprehensive Plan under the Growth Management Act (GMA) and is required to implement the plan with development regulations that are consistent with the plan per RCW 36.70A.040; and

WHEREAS, Revised Code of Washington 70.235.080 directs all state agencies distributing capital funds through competitive programs to consider whether cities receiving those funds have adopted policies to reduce greenhouse gas emissions; and

WHEREAS, the existing Comprehensive Plan does not provide policies that specifically address greenhouse gas emissions or other related topics including energy and fossil fuel use and conservation; and

WHEREAS, to position the City favorably for competitive state grant and loan funding provided consistent with RCW 70.235.080, the City Council passed Resolution 1532 on August 2, 2011. Resolution 1532 established interim greenhouse gas emissions reduction policies, and directed the City's Community and Economic Development Department to further develop policies regarding greenhouse gas emissions as well as other factors of sustainability in an Energy and Sustainability Element of the Comprehensive Plan; and

WHEREAS, the Community and Economic Development Department, with significant review and input by the North Bend Planning Commission, has developed an Energy and Sustainability Element, the current draft of which is attached as Exhibit A to this ordinance; and

WHEREAS, in accordance with WAC 365-196-360, a Notification of Intention to Adopt Comprehensive Plan Amendments was sent to the State of Washington Department of Commerce and to other state agencies on September 1, 2011, for a required 60-day review period; and

WHEREAS, an environmental review of the proposed Energy and Sustainability Element was conducted in accordance with the requirement of the State Environmental Policy Act (SEPA). A non-project SEPA Determination of Non-significance was issued for the draft Element on September 1, 2012, and was posted and published in the Valley Record, public posting places, and the City's website on September 7, 2012; and

WHEREAS, the public process for the proposed Energy and Sustainability Element provided for early and continuous public participation opportunities including posting the draft amendments on the City of North Bend Website for public review, and five public workshops held before the Planning Commission between October 13, 2011 and July 26, 2012 to obtain

public input on draft policies for the Energy and Sustainability Element; and

WHEREAS, following a public hearing and deliberation on October 25, 2012, the Planning Commission recommended adoption of the Energy and Sustainability Element, as provided in the Planning Commission Findings, Conclusions and Recommendations signed by the Planning Commission Chair on October 25, 2012; and

WHEREAS, all legal notices for public hearings, mailings, postings and publishing have been met; and

WHEREAS, the North Bend City Council, after considering all information received, has determined to adopt the amendments as provided in this ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts the Planning Commission Findings, Conclusions and Recommendations dated October 25, 2012.

Section 2. The North Bend Comprehensive Plan is hereby amended with the addition of the Energy and Sustainability Element of the Comprehensive Plan as Chapter 11, as set forth in Attachment A.

Section 3. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF FEBRUARY, 2013.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: February 13, 2013
Effective: February 18, 2013

Susie Oppedal, City Clerk